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10/678,083	10/06/2003	Shunpei Yamazaki	0756-7209	4411

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EXAMINER	
GREEN, PHILLIP	
ART UNIT	**PAPER NUMBER**
2823	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/678,083	**Applicant(s)** YAMAZAKI ET AL.
	Examiner Phillip S. Green	**Art Unit** 2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-18,20,21 and 24-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-18,20,21 and 24-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 03/23/2006, 06/16/2006 and 09/01/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 10-18, 20-21 and 24- 32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-26 of copending Application No. 10/787191. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

a laser irradiation method comprising the steps of; shaping a first pulsed laser beam having a wavelength not longer than that of visible light into a long beam on a surface, and moving the surface in a first direction relative to the long beam while irradiating a second laser beam having a fundamental wave into the surface so as to overlap with a region irradiated with the first pulsed laser beam at the same time as the first pulsed laser beam, wherein the energy of the second laser beam is modulated in synchronization with a pulse oscillation of the first pulsed laser beam, and wherein a net energy of the first pulsed laser beam and the second laser beam absorbed in the surface per unit time is controlled to be constant is claimed

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

3. Claims 10-12, 20 and 21 are objected to because of the following informalities: "wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam" is unclear because it suggest that the second beam is melted by the long beam or that that the semiconductor has already been melted by the long beam. If that is the case, there is no support in the specification for the first beam to be melted by the second beam or the second laser beam to be transmitted through the melted semiconductor film. Appropriate correction is required.

In light of the rejection claim objections that set forth herein above, the following 35 U.S.C. 103 rejection is based on prior art which reads on the interpretation the claim language of the instant application as best as understood by the Examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10, 13-14, 20, 24-25, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 5,304,357) in view of Ogawa et al (JP 2001044120) and Senoo et al (JP 02153582 A).

Pertaining to claim 10, Sato teaches a method for manufacturing a semiconductor device comprising the steps of:

first laser beam of a solid laser **51** with a wavelength of below about 1.2 μm; and (Note Column 8, lines 43-60)

crystallizing the semiconductor film by irradiating a second laser beam **52** of a fundamental wave and the long beam at the same time to a region of the surface while moving the surface relatively with respect to the long beam in a direction. (Note Column 12, lines 13-56)

wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam. (Note: Column 8, line 42 – Column 9, line 16). (Note: The examiner takes the position that since the to laser beams have different absorption coefficients that one laser is relatively more translucent than the other laser in the semiconductor film.)

Sato fails to explicitly teach a first laser beam is a harmonic wave with a wavelength of visible light or a shorter wavelength than visible light into a long beam at a surface of a semiconductor film or a vicinity thereof.

However, Ogawa teaches forming a thin film with a first pulse laser beam in the ultra-violet region, while the second pulse laser beam is the solid laser beam in the visible region. Ogawa fails to explicitly teach the harmonic wave of the first beam laser. (Note: Abstract and machine translation of the claims).

Senoo teaches changing the oscillation wavelength of the solid laser switched from that of a fundamental wave oscillation laser beam to that of a harmonic wave oscillation laser beam and vice versa. (Note: Abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a solid laser beam in the ultra-violet region with a second solid laser beam in the visible region of Ogawa with the invention of Sato in order "to form a thin film having excellent crystalline property to manufacture a high performance thin film transistor." (Note: Abstract).

It would have also been obvious to one obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a fundamental or harmonic laser beam of Senoo with the invention of Sato in order "to enable a solid laser of this design to project outside at least two kinds of lasers rays of a laser diode excitation laser beam." (Note: Abstract).

Pertaining to claim 13, Sato, Ogawa, and Senoo teach the limitations of claim 10 in the paragraph above, including, wherein each of the first and second oscillators **27**

and 31 is a continuous wave solid laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 14, Sato, Ogawa, and Senoo teach the limitations of claim 10 in the paragraph above, including, wherein each of the first and second oscillators is selected from the group consisting of YAG laser, YVO_4 laser, YLF laser, $YAlO_3$ laser, ruby laser and alexandrite laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 28, Sato, Ogawa, and Senoo teach the limitations of claim 10 in the paragraph above, including, wherein the second laser beam is longer than the long beam at the surface. (Note: Column 9, line 1 – 16).

Pertaining to claim 20, Sato teaches a method for manufacturing a semiconductor device comprising the steps of:

first laser beam of a solid laser **51** with a wavelength of below about 1.2 μm; and (Note: Column 8, lines 43-46);

crystallizing the semiconductor film by irradiating a second laser beam **52** of a fundamental wave and the long beam to a region of the surface while moving the surface relatively with respect to the long beam in a direction, (Note: Column 12, lines 13-56),

wherein the long beam **51** is overlapped with the second laser beam **52** at the region; (Note: Column 9, line 5-15), and

wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam. (Note: Column 8, line 42 – Column 9, line 16). (Note: The examiner takes the position that since the to laser beams have different absorption coefficients that one laser is relatively more translucent than the other laser in the semiconductor film).

Sato fails to explicitly teach a first laser beam is a harmonic wave with a wavelength of visible light or a shorter wavelength than visible light into a long beam at a surface of a semiconductor film or a vicinity thereof.

However, Ogawa teaches forming a thin film with a first pulse laser beam in the ultra-violet region, while the second pulse laser beam is the solid laser beam in the visible region. Ogawa fails to explicitly teach the harmonic wave of the first beam laser. (Note: Abstract and machine translation of the claims).

Senoo teaches changing the oscillation wavelength of the solid laser switched from that of a fundamental wave oscillation laser beam to that of a harmonic wave oscillation laser beam and vice versa. (Note: Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a solid laser beam in the ultra-violet region with a second solid laser beam in the visible region of Ogawa with the invention of Sato in order "to form a thin film having excellent crystalline property to manufacture a high performance thin film transistor." (Note: Abstract).

It would have also been obvious to one obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a fundamental or harmonic laser beam of Senoo with the invention of Sato in order "to enable a solid laser of this design to project outside at least two kinds of lasers rays of a laser diode excitation laser beam." (Note: Abstract).

Pertaining to claim 24, Sato, Ogawa, and Senoo teach the limitations of claim 20 in the paragraph above, including, wherein each of the first and second oscillators **27 and 31** is selected from the group consisting of continuous wave solid laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 25, Sato, Ogawa, and Senoo teach the limitations of claim 20 in the paragraph above, including, wherein each of the first and second oscillators is selected from the group consisting of YAG laser, YVO_4 laser, YLF laser, $YAlO_3$ laser, ruby laser and alexandrite laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 31, Sato and Ogawa teach the limitations of claim 20 in the paragraph above, including, wherein the second laser beam is longer than the long beam at the surface. (Note: Column 9, line 1 – 16).

6. Claims 11, 15-16, 21, 26-27, 29, 32, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (US 2003/0136772 A1) in view of Ogawa et al (JP 2001044120).

Pertaining to claim 11, a method for manufacturing a semiconductor device comprising the steps of:

processing a first laser beam of a solid laser with a wavelength of visible light or a shorter wavelength than visible light into a long beam at a surface of a semiconductor film or a vicinity thereof; and (Note Paragraphs [0061-0066]).

activating an impurity region formed in the semiconductor film by irradiating a second laser beam of a fundamental wave and the long beam at the same time to a region of the surface while moving the surface relatively with respect to the long beam in a direction. (Note Paragraph 0183),

wherein the first laser beam is a harmonic wave of solid laser, and

wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam. (Note Paragraph 0058). (Note: The examiner takes the position that since the to laser beams have different absorption coefficients that one laser is relatively more translucent than the other laser in the semiconductor film.)

Yamazaki does not explicitly teach the combination of a first laser beam with a wavelength of visible light or a shorter wavelength than visible light.

However, Ogawa teaches forming a thin film with a first pulse laser beam **(3)** in the ultra-violet region, while the second pulse laser beam **(4)** is the pulse laser beam in the visible region. (Note: Abstract; Figure on Cover).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a laser beam in the ultra-violet region with a second laser beam in the visible region of Ogawa with the invention of Yamazaki in order "to form a thin film having excellent crystalline property to manufacture a high performance thin film transistor." (Note: Abstract).

Pertaining to claim 15, Yamazaki and Ogawa teach the limitations of claim 11 in the paragraph above, including, wherein each of the first and second oscillators is a continuous wave solid laser. (Note Paragraph 0058).

Pertaining to claim 16, Yamazaki and Ogawa teach the limitations of claim 11 in the paragraph above, including, wherein each of the first and second oscillators has Ar laser, Kr laser, CO_2 laser, YAG laser, $YV0_4$ laser, YLF laser, $YAlO_3$ laser, ruby laser, alexandrite laser, Ti:sapphire laser, helium-cadmium laser, copper vapor laser, or gold vapor laser. (Note Paragraph 0058).

Pertaining to claim 29, Yamazaki and Ogawa teach the limitations of claim 11 in the paragraph above, including, wherein the second laser beam is longer than the long beam at the surface. (Note Paragraph 0063).

Pertaining to claim 21, Yamazaki teaches a method for manufacturing a semiconductor device comprising the steps of:

processing a first laser beam with a wavelength of visible light or a shorter wavelength than visible light into a long beam at a surface of a semiconductor film or a vicinity thereof; and (Note Paragraphs [0061-0066]).

activating an impurity region formed in the semiconductor film by irradiating a second laser beam of a fundamental wave and the long beam at the same time to a region of the surface while moving the surface relatively with respect to the long beam in a direction, (Note Paragraph 0183),

wherein the long beam is overlapped with the second laser beam at the region. (Note Paragraphs 0067 and 0119), wherein the first laser beam is a harmonic wave of solid laser, and

wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam. (Note Paragraph 0058). (Note: The examiner takes the position that since the to laser beams have different absorption coefficients that one laser is relatively more translucent than the other laser in the semiconductor film.)

Yamazaki does not explicitly teach the combination of a first laser beam with a wavelength of visible light or a shorter wavelength than visible light and a second laser beam of a fundamental wave.

However, Ogawa teaches forming a thin film with a first pulse laser beam **(3)** in the ultra-violet region, while the second pulse laser beam **(4)** is the pulse laser beam in the visible region. (Note: Abstract; Figure on Cover).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a laser beam in the ultra-violet region with a second laser beam in the visible region of Ogawa with the invention of Yamazaki in order "to form a thin film having excellent crystalline property to manufacture a high performance thin film transistor." (Note: Abstract).

Pertaining to claim 26, Yamazaki and Ogawa teach the limitations of claim 21 in the paragraph above, including, wherein each of the first and second oscillators has continuous wave gas laser, solid laser, or metal laser. (Note Paragraph 0058).

Pertaining to claim 27, Yamazaki and Ogawa teach the limitations of claim 21 in the paragraph above, including, wherein each of the first and second oscillators has Ar

laser, Kr laser, CO_2 laser, YAG laser, $YV0_4$ laser, YLF laser, $YAlO_3$ laser, ruby laser, alexandrite laser, Ti:sapphire laser, helium-cadmium laser, copper vapor laser, or gold vapor laser. (Note Paragraph 0058).

Pertaining to claim 32, Yamazaki and Ogawa teach the limitations of claim 21 in the paragraph above, including, wherein the second laser beam is longer than the long beam at the surface. (Note Paragraph 0063).

7. Claims 12, 17, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US 5,304,357) in view of Ogawa et al (JP 2001044120) and Senoo et al (JP 02153582 A).

Pertaining to claim 12, Sato teaches a method for manufacturing a semiconductor device comprising the steps of:

forming a semiconductor layer over a glass substrate;

forming an insulating layer for covering a top surface and side surface of the semiconductor layer;

forming a conductive layer over the semiconductor layer with the insulating layer there between; (Note Column 7, lines 21-55)

processing a first laser beam of a solid laser with a wavelength of visible light or a shorter wavelength than visible light into a long; and

heating the conductive layer selectively to perform heat treatment of the semiconductor layer and the insulating layer by irradiating a second laser beam of a solid laser of a fundamental wave and the long beam at alternatively to a region of the irradiated surface while moving the irradiated surface relatively in a direction with respect to the long beam, (Note: Column 9, line 1 – 16; Column 12, lines 13-56)

wherein the second laser beam is a solid laser and the second laser beam is transmitted through the semiconductor film and absorbed in the semiconductor film melted by the long beam. (Note: Column 8, line 42 – Column 9, line 16). (Note: The examiner takes the position that since the to laser beams have different absorption coefficients that one laser is relatively more translucent than the other laser in the semiconductor film.)

Sato fails to explicitly teach a first laser beam is a harmonic wave with a wavelength of visible light or a shorter wavelength than visible light into a long beam at a surface of a semiconductor film or a vicinity thereof.

However, Ogawa teaches forming a thin film with a first pulse laser beam in the ultra-violet region, while the second pulse laser beam is the solid laser beam in the visible region. Ogawa fails to explicitly teach the harmonic wave of the first beam laser. (Note: Abstract and machine translation of the claims).

Senoo teaches changing the oscillation wavelength of the solid laser switched from that of a fundamental wave oscillation laser beam to that of a harmonic wave oscillation laser beam and vice versa. (Note: Abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a solid laser beam in the ultra-violet region with a second solid laser beam in the visible region of Ogawa with the invention of Sato in order "to form a thin film having excellent crystalline property to manufacture a high performance thin film transistor." (Note: Abstract).

It would have also been obvious to one obvious to one having ordinary skill in the art at the time of applicants' claimed invention was made to provide a fundamental or harmonic laser beam of Senoo with the invention of Sato in order "to enable a solid laser of this design to project outside at least two kinds of lasers rays of a laser diode excitation laser beam." (Note: Abstract).

Pertaining to claim 17, Sato, Ogawa, and Senoo teach the limitations of claim 12 in the paragraph above, including, wherein each of the first and second oscillators **27 and 31** is a continuous wave solid laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 18, Sato, Ogawa, and Senoo teach the limitations of claim 12 in the paragraph above, including, wherein each of the first and second oscillators is selected from the group consisting of YAG laser, YVO_4 laser, YLF laser, $YAlO_3$ laser, ruby laser and alexandrite laser. (Note: Column 8, line 42 – Column 9, line 16; Ogawa, Claim 4).

Pertaining to claim 30, Sato, Ogawa, and Senoo teach the limitations of claim 12 in the paragraph above, including, wherein the second laser beam is longer than the long beam at the surface. (Note: Column 9, line 1 – 16).

Response to Arguments

8. Applicant's arguments with respect to claims 10-18, 20-21, and 24-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 03/23/2006, 06/16/2006 and 09/01/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip S. Green whose telephone number is 571-272-7024. The examiner can normally be reached on Monday thru Thursday 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/25/2006

Brook Kebede

BROOK KEBEDE
PRIMARY EXAMINER